

STRUCTURAL PEST CONTROL BOARD

INITIAL STATEMENT OF REASONS

Hearing Date: July 20, 2007

Subject Matter of Proposed Regulations: Standards and Record Requirements

Section Affected: 1970

Specific Purpose of each adoption, amendment, or repeal

Section 1970 of the California Code of Regulations requires that the registered structural pest control company performing a fumigation list the method and factors used in calculating the amount of fumigation used. This proposal would amend the existing Standard Structural Fumigation Log (Form 43M-47) to include an additional fumigant calculator as well as allow for future calculation methods. This proposal allows for the introduction of new products into the market.

Section 1970 of the California Code of Regulations requires a registered structural pest control company performing a fumigation to compile and retain for a period of at least three years, a log for each fumigation job. This proposal would require that the Standard Structural Fumigation Log (Form 43M-47) be forwarded to the primary contractor within ten business days if a fumigation subcontractor performed the fumigation.

Factual Basis/Rationale

Until recently, Vikane had been the only sufluryl fluoride fumigant available. There is now a competing sufluryl fluoride product (Zythor) and a third product could be introduced in the near future. The calculation methods listed on the Standard Structural Fumigation Log (Form 43M-47) are specific to Vikane. This amendment would include the calculator that is specific to Zythor as well as include a space for other calculation methods as new products are introduced.

Some fumigations are performed by subcontractors that have been contracted for work by a primary contractor who has identified the presence of termites. This amendment requires the subcontractor to send a copy of the Standard Structural Fumigation Log to the primary contractor to ensure that both the primary contractor and the subcontractor maintain the fumigation records if the fumigation is subcontracted.

Underlying Data

Standard Structural Fumigation Log (Form 43M-47, Rev. 5/07)

Business Impact

The Board has initially determined there will be no significant statewide adverse economic impact directly affecting businesses.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

STRUCTURAL PEST CONTROL BOARD

INITIAL STATEMENT OF REASONS

Hearing Date: July 20, 2007

Subject Matter of Proposed Regulations: Pesticide Disclosure Requirement

Section Affected: 1970.4

Specific Purpose of each adoption, amendment, or repeal:

Amend the existing Occupants Fumigation Notice and Pesticide Disclosure (Form 43M-48), to include language requiring a registered structural pest control company performing a fumigation to inspect for any conduits, pipes, common drains, air ducts, central vacuum systems or any other construction elements that would allow the passage of a fumigant to an adjacent or adjoining structure.

Amend the Occupants Fumigation Notice and Pesticide Disclosure (Form 43M-48) to allow for the disclosure of current and future fumigants.

Factual Basis/Rationale

An incident involving unintended fumigant exposure to a neighboring structure has prompted this amendment. Including the conduit language on the Occupants Fumigation Notice and Pesticide Disclosure (Form 43M-48) will increase consumer awareness to prevent a future incident or episode.

The current form lists a specific trade name of a fumigant that has been the only product available containing sulfuryl fluoride. An additional product has become available and additional products may be introduced. Amending the Occupants Fumigation Notice and Pesticide Disclosure (Form 43M-48) to include the active ingredient and a blank line to fill in the trade name would assure that the correct fumigant is disclosed to the consumer.

Underlying Data

Occupants Fumigation Notice (Form 43M-48, Rev. 5/07)

Business Impact

This regulation will not have a significant adverse economic impact on businesses.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

STRUCTURAL PEST CONTROL BOARD

INITIAL STATEMENT OF REASONS

Hearing Date: July 20, 2007

Subject Matter of Proposed Regulations: Re-entry Requirements

Section Affected: 1973

Specific Purpose of each adoption, amendment, or repeal:

Section 1973 of the California Code of Regulations requires posting of the Notice of Re-Entry (Form 43M-42) in order to release the property for occupancy. This proposal would amend the Notice of Re-Entry (Form 43M-42) for disclosure of new fumigants used and allow for future products.

Factual Basis/Rationale

The current Notice of Re-Entry (Form 43M-42) lists a trade name for a sulfuryl fluoride fumigant. A competing fumigant containing sulfuryl fluoride has become available and additional products may be introduced. This amendment would list the active ingredient sulfuryl fluoride and contain a field to fill in the fumigant trade name.

Underlying Data

Notice of Re-Entry (Form 43M-42, Rev. 5/07)

Business Impact

This regulation will not have an adverse economic impact on businesses.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.